HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

WRIT PETITION No.5773 of 2006

Between:

G.Ashok Kumar Goud. …Petitioner.

AND

Regional Joint Commissioner M.Z.III,

Endowments Department, Hyderabad and

five others. …Respondents.

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:: O R D E R ::

Counsel for the Petitioner : Sri G.Shiva Kumar Goud

Counsel for Respondents 1 to 3 : Government Pleader for Endowments

Counsel for Respondent No.4 : Government Pleader for Forests

Counsel for Respondent No.5 : Sri M.Vidyasagar

(Caveator)

23rd MARCH 2006

Per G.S.Singhvi, C.J.

In this petition filed in the name of public interest litigation, the petitioner has prayed for quashing orders dated 8-7-2002, 16-7-2002 and 21-12-2005 passed by Assistant Commissioner, Endowments Department, Ranga Reddy and Medak Districts (respondent No.2), Regional Joint Commissioner, M.Z.III, Endowments Department (respondent No.1) and Deputy Commissioner, Endowments Department, Hyderabad (respondent No.3) respectively.

The petitioner claims to be a resident of Gudur village, Shivampet Mandal, Medak District. He is also said to be President of Mandal Praja Parishad of Shivampet Mandal. The case set up by him is that a large number of people have been performing poojas and paying obeisance to Hanuman deity in Sri Chakirimetla Anjaneya Swamy Temple (Sri Sahakara Anjaneya Swamy Temple) situated at Chinnagottimukkala village, but due to the rivalry between two groups of Purohits represented by respondent No.5 - Sri Bhaskarayuni Anjaneya Sarma and respondent No.6 - Sri Kumara Sarma, the people are being exploited and deprived of their right to perform poojas. He has pleaded that respondent No.5 – Sri Bhaskarayuni Anjaneya Sarma manipulated the passing of order dated 8-7-2002 whereby he was declared as a member belonging to the family of founders of Sri Sahakara Anjaneya Swamy Temple, Chinnagottimukkala village and that order has been confirmed by respondent No.1 vide his order dated 22-12-2003 without correctly appreciating the provisions of Section 17(i) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act (for short 'the 1987 Act'). He has also referred to order dated 21-12-2005 passed by respondent No.3 refusing to grant stay in favour of respondent No.6 and averred that on the basis of the patently erroneous orders passed by the authorities concerned, respondent No.5 is trying to get the property of the temple and depriving the devotees of their right to perform pooja.

We have heard Sri B.Shiva Kumar Goud and carefully perused the order under challenge. In our considered view, the petitioner has abused the mechanism of public interest litigation for serving the ends of respondent No.6 or for sheer publicity by projecting himself as a champion of the public cause. The averments contained in the affidavit filed in support of the writ petition do not disclose any particular interest of the petitioner in the functioning of the temple or its endowment. The dispute is between respondent Nos.5 and 6, who have invoked the provisions of the 1987 Act. The petitioner has neither averred nor produced any document before the

Court to show that he has been responsible for development of the temple or he is involved in its management. He has also not produced any tangible evidence before the Court to show that respondent No.5 has prevented the devotees from performing pooja in the temple or has done anything affecting his right as a devotee of the temple. Therefore, on the basis of bald averments contained in paragraph 12 of the writ petition, the Court cannot annul the orders passed by the competent authority under the 1987 Act.

With the above observations, the writ petition is dismissed.

G.S. SINGHVI, C.J.

23rd March, 2006.

G.BHAVANI PRASAD, J.

KS/ARS